

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE: 04-10172-NG

UNITED STATES OF AMERICA

V.

JULIO BERNABEL-DIAZ

REQUEST FOR RULE 11 HEARING AND SENTENCING

Now comes the defendant and moves this Honorable Court to schedule forthwith a joint Rule 11 and sentencing hearing. The defendant contends that he and the government have entered into a plea agreement in which the Government will recommend that the Court sentence the defendant to time served. The defendant has been in custody since May 18, 2004. The parties agree that the defendant's total adjusted offense level is 6 and he is in Criminal History Category I or II. Accordingly, the defendant's sentencing range is either 0 to 6 or 1 to 7.

Pursuant to F.R.Crim.P. 32(c)(1)(A)(ii), the Court should determine that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553 without a presentence investigation and report. The Court should accept the defendant's plea of guilty and sentence the defendant to time served as soon as possible.

The government assents to this motion.

Respectfully submitted,
JULIO BERNABEL-DIAZ,
By his attorney:

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